

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**JOHN F. DRISCOLL, AS PRESIDENT OF THE
CAPTAINS ENDOWMENT ASSOCIATION, INC., ET
AL.**

Plaintiff(s), Petitioner(s)

against

CITY OF NEW YORK, ET AL.

Defendant(s), Respondent(s)

ATTORNEY: Greenberg, Burzichelli, Greenberg, P.C.

Index No.: 07 CV 10359

DATE OF FILING: 11/15/2007

AFFIDAVIT OF SERVICE

STATE OF N.Y.: COUNTY OF NASSAU: ss:

I, Michael Weiner, being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, is over 18 years of age and resides in Oceanside, NY.

That on November 15, 2007 at 3:55 PM at c/o City of New York, 100 Church St, New York, NY 10007, deponent served the Summons, Complaint for a Declaratory Judgment and Injunctive Relief, Notice of Motion for a Preliminary Injunction, Affidavit in Support of Motion for Preliminary Injunction, Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction, and Plaintiffs Rule 7.1 Disclosure Statement upon Raymond Kelly, (Defendant/Respondent) herein known as Recipient.

Said service was effected in the following manner;

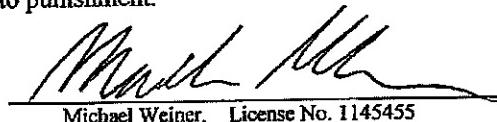
By delivering thereat a true copy of each to Tamekia Mendesgammon, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the Recipient's place of business and their reply was affirmative.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows: Sex: Female Skin: Black Hair: Black Age(Approx): 31 Height(Approx): 5' 7" Weight(Approx): 130-140 lbs Other:

On November 16, 2007, after delivery of process was effected, deponent enclosed an additional true and attested copy of same in postpaid envelope addressed to the Recipient at Recipient's place of business in an official depository and by First Class Mail, under the exclusive care of the United States Postal Service within New York State. The envelope bore the Legend "Personal & Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the Recipient.

I asked the person spoken to if the Recipient was in active military service of the United States or the State of New York in any capacity and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the Recipient is not in the military service of New York State or the United States as that term is defined in the statutes of New York State or the Federal Soldiers and Sailors Civil Relief Act.

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Michael Weiner, License No. 1145455

Sworn to before me on November 16, 2007

Alan Leibowitz
Notary Public, State of New York
Registration No. 01LE6029931
Qualified in Nassau County
Commission Expires August 30, 2009